

# Knobbe Martens Olson & Bear LLP

Intellectual Property Law

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## USPTO FACSIMILE TRANSMITTAL SHEET

Page 1 of 2

Docket No.: VALTX.002A

CUSTOMER NO. 20995

Applicant : Jonathan Kagan et al.  
App. No. : 10/699,589  
Filed : October 31, 2003  
For : APPARATUS AND METHODS FOR  
TREATMENT OF MORBID OBESITY  
Examiner : Suzette J. Jackson  
Group Art Unit : 3738

### CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Central Fax No. (703) 872-9306 on the date shown below:

March 11, 2005

*Gerard von Hoffmann*  
Gerard von Hoffmann, Reg. No. 33,043

Transmitted herewith for filing and consideration in the above-referenced application are the following items:

(X) Amendment/Response in 14 pages.

(X) Non-Final

### FILING FEES:

| FEE CALCULATION  |              |              |             |           |
|--|--------------|--------------|-------------|-----------|
| FEE TYPE   |              | FEE CODE     | CALCULATION | TOTAL     |
| Total Claims minus 20; or Previously Paid  | 68 - 20 = 48 | 1202 (\$50)  | 48 x 50 =   | \$2,400   |
| Independent minus 3; or Previously Paid  | 4 - 3 = 1    | 1201 (\$200) | 1 x 200 =   | \$200     |
| SUB TOTAL  |              |              |             | \$2,600   |
| The present application qualifies for Small Entity status under 37 CFR § 1.27. Fee reduced by ½. |              |              |             | (\$1,300) |
| TOTAL FEE DUE  |              |              |             | \$1,300   |

(X) Please charge the total fees due in the amount of \$1,300 to Deposit Account No. 11-1410.

(X) Total pages in transmission: 16

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San Luis Obispo

**Knobbe Martens Olson & Bear LLP**

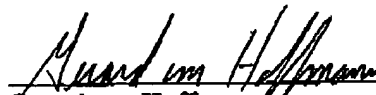
Application No.: 10/699,589

**CUSTOMER NO. 20995**

Filing Date: October 31, 2003

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The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

  
Gerard von Hoffmann  
Registration No. 33,043  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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VALTX.002A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                |   |   |
|----------------|---|---|
| Applicant      | : | Jonathan Kagan et al.                                       |
| Appl. No.      | : | 10/699,589  |
| Filed          | : | October 31, 2003  |
| For            | : | APPARATUS AND METHODS<br>FOR TREATMENT OF MORBID<br>OBESITY |
| Examiner       | : | Suzette J. Jackson  |
| Group Art Unit | : | 3738  |

AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed December 13, 2004, please amend the above-referenced application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.